

**REMARKS**

Applicants would like to thank the Examiner for a very helpful teleconference on March 8, 2004.

Upon entry of the above amendments, claims 29-30 and 33 will be pending in this application. Claims 1-28, 31-32, and 34-68 have been canceled without prejudice. Claims 29-30 and 33 have been amended, and may find support throughout the specification. See, for example, page 23 (lines 1-8) and page 34 (lines 4-15).

Claims 1-68 have been restricted by the Office Action into Groups I-XIV. The Office Action also required Applicants to elect a sub-Group upon the election of a Group, wherein the sub-Group recites a particular botulinum toxin type and a particular sequence.

Applicants hereby elect Group IV (Claims 29-30 and 33) directed to botulinum toxin type B and SEQ ID NO. 23, with traverse.

Applicants maintain that Applicants are entitled to the examination of all botulinum toxin types (e.g., types A-G). Accordingly, Applicants respectfully traverse on the ground that it is not undue burden on the Office to search for whether SEQ ID NO. 23 has been added to any wild-type botulinum toxins. For example, the amino acid sequences of all botulinum toxins (e.g., botulinum toxins types A through G) are readily accessible through public data bases. Further, sequence comparison programs can readily

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compare these known wild type botulinum toxin sequences against any mutated botulinum toxins. Such a comparison would allow the Office to immediately discern whether any botulinum toxin has been mutated to include the four amino acid sequence of SEQ ID NO. 23.

Respectfully submitted,

  
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